

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

[2023h00179.hms.cm]

BILL: CS/HB 179, Engrossed 1 (CS/CS/SB 136)

INTRODUCER: Regulatory Reform & Economic Development Subcommittee; Andrade and others (Appropriations Committee on AEG; Commerce and Tourism; Senator Gruters)

SUBJECT: Florida Kratom Consumer Protection Act

DATE: May 4, 2023

I. Amendments Contained in Message:

Senate Amendment – 730292 (body with title)

II. Summary of Amendments Contained in Message:

Senate Amendment – 730292 defines the terms “kratom product” and “processor,” and provides that a processor may not sell, prepare, manufacture, distribute, or expose for sale any kratom product to an individual under 21 years of age. A person who violates that prohibition commits a second degree misdemeanor. These provisions take effect upon becoming a law.

Section 2 of the substitute amendment takes effect on July 1, 2024, and substantially rewords the act. The rewording adds a definition for “kratom extract” and provides that a processor is prohibited from selling, preparing, distributing, or exposing for sale a kratom product that: (1) is adulterated with a dangerous non-kratom substance; (2) contains a poisonous or otherwise harmful non-kratom ingredient; (3) contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than 1 percent of the alkaloid composition of the product; (4) contains a synthetic alkaloid; (5) does not include directions for the safe and effect use of the product; and (6) has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease. Selling, preparing, distributing, or exposing for sale kratom extract that contains levels of residual solvents higher than the standards set forth in USP-NF chapter 467 is also prohibited. Additionally, a processor is required to annually register with the Department of Agriculture and Consumer Services any kratom product it intends to offer for sale to an end consumer in Florida which is in an approved kratom delivery form. The DACS is not required to test or inspect kratom products, but may test or inspect as it deems necessary. The rewording also provides certain reporting requirements.